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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

On November 28, 2011, the parties appeared before the Honorable Saundra Brown Armstrong for a status conference. At that hearing, the Court set this matter down for trial to begin on May 14, 2012, with the pretrial conference to be held on May 1, 2012 at 11:00 a.m.

The government has conducted further investigation and now anticipates seeking a superseding indictment charging the defendant with filing false tax returns, in violation of 26 U.S.C. § 7206(1). The government has produced additional discovery to the defendant related to the potential tax fraud charges, and anticipates producing additional discovery in the coming weeks. Further, in light of these potential new charges, the parties have renewed plea negotiations and have reason to believe a resolution short of trial is possible in this case. For

**ORDER VACATING TRIAL DATE AND EXCLUDING TIME
CR 11-0146 SBA**

1 these reasons with the agreement of counsel for both parties and the defendant, the parties now
2 stipulate and ask the Court to find and hold as follows:

3 1. The trial date of May 14, 2012, and the pretrial filing deadlines in the Court's pretrial
4 order are vacated.

5 2. The pretrial status conference set for May 1, 2012 at 11:00 a.m. shall remain on
6 calendar and will be held as a status conference/change of plea.

7 3. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
8 § 3161, from March 8, 2012 to May 1, 2012. Failure to grant the requested continuance would
9 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence and the need for defense counsel to review discovery
11 and conduct investigation related to potential tax fraud charges in the anticipated superseding
12 indictment.

13 4. Given these circumstances, the Court finds that the ends of justice served by
14 excluding the period from March 8, 2012 to May 1, 2012, outweigh the best interest of the public
15 and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.
16 § 3161(h)(7)(A).

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5. Accordingly, and with the consent of the defendant, the Court orders that the period from March 8, 2012 to May 1, 2012, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: March 8, 2012

/s/
DEBORAH G. LEVINE
Counsel for Judy Rae Jarvis

DATED: March 8, 2012

/s/
BRIAN C. LEWIS
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 3/8/12

SAUNDRA BROWN ARMSTRONG
United States District Judge